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REMARKS

The present application includes claims 1-60. Claim 1 was amended. Claims 29-31 and 33-36 were withdrawn from consideration. Claims 57-60 are new.

Claim 28 stands rejected under 35 U.S.C. 112 first paragraph, as lacking support, since the application does not suggest any bioabsorbable material which could be used. Applicant respectfully traverses the rejection and states that it was well known in the art at the international filing date of the present application (August 1, 2000) to select suitable bioabsorbable materials. For example, US patent 6,015,410, which issued January 18, 2000, relates to a bioabsorbable surgical instrument. Any person knowledgeable in the art could have used any of the materials listed or hinted to in this patent, for the rasp of claim 28. In addition, <http://www.tut.fi/units/ms/biom/pub70-97.html> provides a long list of articles which relate to bioabsorbable materials published no later than 1997. Attached are the first two pages of this file. A person skilled in the art could use any suitable one of these articles to determine the required materials. Furthermore, the teachings of US patent 5,062,843 could be used.

In view of these three references which were found in a quick Internet search, applicant respectfully submits that it was well known in the art to select bioabsorbable materials and mentioning specific materials in the application is unnecessary and unwanted as it uselessly lengthens the patent application.

Claims 1-14, 24-27, 32, 37, 39, 47 and 48 stand rejected under 35 USC 102(b) as being anticipated by U.S. patent 2,372,553 to Coddington.

Claims 15-19, 40 and 41 stand rejected under 35 USC 103(a) as being unpatentable over U.S. patent 2,372,553 to Coddington.

Claims 1, 42, 43 and 50 stand rejected under 35 USC 102(b) as being anticipated by U.S. patent 2,355,124 to Testo.

Claims 20-23, 38, 44-46 and 49 stand rejected under 35 USC 103(a) as being unpatentable over U.S. patent 2,355,124 to Testo alone or together with Nishio (5,713,785).

Claims 1 and 52-54 stand rejected under 35 USC 102(b) as being anticipated by U.S. patent 3,523,348 to Nilsson.

Claims 1 and 55 stand rejected under 35 USC 102(b) as being anticipated by U.S. patent 6,068,542 to Hosokai.

Claim 1 was amended to require that the flexible rasp is adapted for passage through a spinal channel of a live human. None of the above references teaches or suggests a rasp adapted for

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passage through a spinal channel of a live human.

While there are other differences between at least some of the claims and the cited art, applicant is refraining from discussing these differences at this stage, because the cited art and the present application are in totally different fields.

Claim 56 stands rejected under 35 USC 102(b) as being anticipated by U.S. patent 6,068,542 to Hosokai. Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of anticipation, as Hosokai lacks at least one of the requirements of claim 56.

Claim 56 requires means for guiding a rasp through a part of a spinal channel. This is not taught or suggested by Hosokai. The tape T of Hosokai cannot be guided through a part of a spinal channel and Hosokai does not teach any means to perform such guiding through a spinal channel.

Method claims 57-60, corresponding to the apparatus claims of record, were added to the application. These claims specifically state the act of inserting a flexible rasp into a spinal channel of a live human, which is not taught or suggested by any of the cited art.

In view of the above remarks, applicant submits that the claims are patentable over the prior art. If the Examiner does not agree regarding one or more of the claims, but is of the opinion that a telephone conversation may forward the present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
Assaf DEKEL

Yaakov Schatz
Yaakov Schatz
Reg. No. 44,320

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William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400